

PROB 12B
(7/93)

United States District Court
for
District of New Jersey

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Heriberto Nieves-Alonzo

Cr.:08-00511-001
PACTS Number: 48920

Name of Sentencing Judicial Officer: The Honorable Jose Antonio Fuste, U.S.D.J., D/PR; The Honorable Faith S. Hochberg, U.S.D.J., D/NJ accepted Jurisdiction of this case on July 23, 2008

Date of Original Sentence: 07/09/01

Original Offense: Conspiracy to Distribute Narcotics

Original Sentence: 120 months incarceration, to be followed by Seven (7) years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/26/04

PETITIONING THE COURT

[] To extend the term of supervision for _____ Years, for a total term of _____ Years.
[X] To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall reside for a period of 2 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.

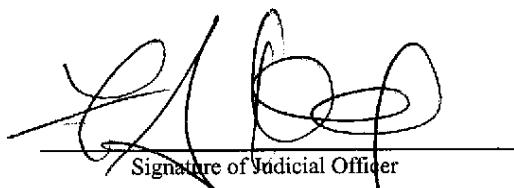
CAUSE

The offender has agreed to enter into a 28-day inpatient drug program commencing on July 25, 2008. He has also agreed to reside in a community correctional facility following his discharge from treatment to address an unstable living situation and to find employment. The offender stated that he is also in need of mental health treatment due to insomnia relating to issues involving his past criminal behavior.

Respectfully submitted,
By: Edward J. Irwin
U.S. Probation Officer
Date: 07/23/08

THE COURT ORDERS:

[] The Modification of Conditions as Noted Above
[] The Extension of Supervision as Noted Above
[] No Action
[] Other


Signature of Judicial Officer
7/23/08
Date

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall reside for a period of 2 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.

Witness: Evel J. Shur
U.S. Probation Officer

Signed: X Heriberto Nieves
Probationer or Supervised Releasee
Heriberto Nieves-Alonzo

7/24/08

DATE

JUL 30 2008

**UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY**

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICER
THOMAS C. MILLER

July 23, 2008

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JUL 30 2008

The Honorable Faith S. Hochberg
U.S. District Judge
Martin Luther King, Jr., Federal Courthouse
50 Walnut Street
Newark, New Jersey 07102

**RE: NIEVES-ALONZO, Heriberto
DKT#: 08-00511-001
NOTIFICATION OF NON-COMPLIANCE/
REQUEST TO MODIFY CONDITIONS**

Dear Judge Hochberg:

On July 9, 2001, the above-named offender appeared before the Honorable Jose Antonio Fuste, U.S.D.J, District of Puerto Rico on a charge of Conspiracy to Distribute Narcotics. At that time, the offender was sentenced to 120 months to be followed by seven (7) years of supervised release. Special condition: Drug testing/treatment. The offender was released from custody on October 26, 2004, and began his supervision term in the Southern District of New York. He was subsequently transferred to our district in September 2007. Your Honor accepted jurisdiction of this case on July 23, 2008.

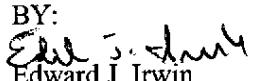
The purpose of this letter is to advise the Court that the offender was arrested in Elizabeth, New Jersey on July 5, 2008, for Unsworn Falsification and Obstruction. These charges are pending in Municipal Court of Elizabeth, New Jersey. The offender failed to notify the probation officer within 72 hours of arrest. Since his arrest, the offender has tested positive for cocaine and xanax on three (3) separate occasions. The offender has agreed to enter into a 28-day inpatient drug treatment program on July 25, 2008.

We are requesting no Court action on his pending charges; however, we would like to modify his conditions to include the conditions of community confinement for a period of two months and mental health treatment.

Enclosed please find the 12B Petition requesting the above-noted conditions. Should Your Honor have any questions or wish to discuss this matter, please feel free to contact the undersigned officer at (973) 645-6243.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer

BY:

Edward J. Irwin
U.S. Probation Officer

mtk

EJI:
Encl.